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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) 10006791-1	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on Jan 25 2006 Signature _Carrie McKerley_ Typed or printed name Carrie McKerley	Application Number 10/066479	Filed Jan 30 2002
	First Named Inventor James C. Pruyne	
	Art Unit 2155	Examiner Asad M. Nawaz

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
    Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
    See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
    (Form PTO/SB/96)

☒ attorney or agent of record.
    Registration number _40,709_

☐ attorney or agent acting under 37 CFR 1.34.
    Registration number if acting under 37 CFR 1.34 _____

Signature

Philip S. Lyren
Typed or printed name

281 514 8236
Telephone number

Jan 25 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒ *Total of _1_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Jim Pruyne, et al.	Examiner: Asad M. Nawaz	
Serial No.:	10/066,479	Group Art Unit: 2155	
Filed:	January 30, 2002	Docket No.: 10006791-1	
Title:	Method and System for Providing Exactly-Once Semantics for Web-Based Transaction Processing		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants file this Pre-Appeal Brief in response to the Final Office Action dated October 25, 2005. All claims (24-45) are rejected under 35 U.S.C. §102(e) as being anticipated by USPN 6,259,701 (Shur). Applicants respectfully traverse.

Independent Claims 24, 32, and 39

Independent claims 24, 32, and 39 recite numerous recitations that are not taught in Shur. Applicants select independent claim 24 for discussion. As a precursor to the arguments, Applicants provide an overview of Shur and the independent claims.

Overview of Shur

As discussed in the background of Shur, unicast networks use point-to-point communication, and multicast networks use point-to-multipoint communication. Generally, clients in unicast networks cannot access communications in multicast networks. Shur solves this problem so unicast clients can participate in multicast session communications (2: 64-67). Generally, Shur provides servers in the unicast network that function as gateways to the multicast network so unicast clients can access multicast sessions (3: 33-36).

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Overview of Independent Claims

In performing a web transaction, a client receives a form from a server. The form includes a unique identifier that identifies the web transaction. The client enters data into the form and sends the form, the data, and the unique identifier to the server. Upon receiving the information from the client, the server then sends the client a status page and the unique identifier for the web transaction. The server also updates a database and generates a log for the update. The database update is retried if the log indicates a failure of the database update such that the database update is performed at most once.

Lack of Specificity in Office Action

Independent claim 24 recites numerous different elements, such as a form, a unique identifier, a log, and a status page. In rejecting claim 24, the Office Action merely cites a large section of Shur (namely, column 5 lines 21-65). The Office Action, however, never specifies which portions of Shur correspond to which elements in claim 24. In other words, the Office Action never argues or specifies which elements of Shur's system correspond with the words in claim 24, such as form, unique identifier, log, status page, etc. Applicants believe that such specificity is not stated because Shur does not teach a system or method that has elements as recited in claim 24. Additionally, Applicants admit that it is extremely difficult to rebut the Office Action since the action makes broad generalizations to reject the claims, instead of specifying which portions of Shur's teachings correspond to which elements in the claims.

Argument: Independent Claim 24

As one example, independent 24 recites "obtaining a request to reload a status page." Shur does not teach reloading a status page. In Shur, the client completes a form and sends the completed form to the server (5: 57-59). If the fields in the form are not correctly completed, then "an error message is returned to the client" (5: 60-61). Thus, Shur sends a client an error message. Sending a client an error message does not teach "reloading a status page." First, an error message is not a status page. Second, the error message is not "reloaded." In other words, the specification of Shur simply does not teach the recitations of the claim.

For at least these reasons, independent claim 24 is allowable over Shur. The dependent claims are allowable for at least these reasons.

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As another example, independent claim 24 recites obtaining a request to reload a status page "such that the request includes the unique identifier." Shur does not teach a request to reload a status page such that the request itself includes the unique identifier for the web transaction. As noted above, Shur sends a client an error if the form is not correctly completed. Nowhere whatsoever does Shur teach or even suggest that the error message includes the login ID of the client.[1]

For at least these reasons, independent claim 24 is allowable over Shur. The dependent claims are allowable for at least these reasons.

As yet other examples, independent claim 24 recites the following recitations:

> accessing the log in response to the request and retrying the database
> update if the log indicates a failure of the database update such that the
> database update is performed at most once.

Shur does not teach these recitations. The Office Action cites column 5, lines 21-65, but Applicants respectfully disagree for numerous reasons.

First, the recitation states "accessing the log in response to the request" to reload a status page. The Office Action has not cited a portion of Shur that corresponds to this recitation. Shur does teach that if the data in the form is correctly completed, then the server stores the data in a file that is indexed to the login id (5: 60-63). Shur, however, never teaches a request to reload a status page. Shur never teaches accessing the file (i.e., log) in response to a request to reload a status page.

For at least these reasons, independent claim 24 is allowable over Shur. The dependent claims are allowable for at least these reasons.

Second, the recitation states "retrying the database update if the log **indicates a failure** of the database update" (emphasis added). The Office Action has not cited a portion of Shur that corresponds to this recitation. Shur does teach that if the data in the form is not correctly completed, then the server sends the client an error message (5: 60-61). Shur, however, never

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[1] The Office Action equates the claimed "unique identifier" with Shur's login ID that the client sends to the server to create a new multicast session.

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teaches retrying an update if the log itself indicates a failure. The log in Shur never indicates a failure.

For at least these reasons, independent claim 24 is allowable over Shur. The dependent claims are allowable for at least these reasons.

Third, the recitation states that if the log indicates a failure, "the database update is **performed at most once**" (emphasis added). The Office Action has not cited a portion of Shur that corresponds to this recitation. Shur does teach that if the data in the form is correctly completed, then the server stores the data in a file that is indexed to the login id; otherwise an error is sent (5: 60-63). Shur never teaches whatsoever that if the log indicates a failure, then the database update is performed at most once.

For at least these reasons, the independent claims are allowable over Shur. The dependent claims are allowable for at least these reasons.

Dependent Claims

The Examiner has refused to allow any claims. The dependent claims recite elements that are clearly not show in Shur. Examples are provided below.

Argument: Dependent Claim 25

Dependent claim 25 recites that the form is obtained "in a post command from the client." In Shur, the client does sent a completed form back to the server. Shur, however, is completely silent about sending the form as a "post command."

Argument: Dependent Claim 26

Dependent claim 26 recites that the request to reload is automatically generated by the status page at the client. Shur teaches that a client sends the form to a server. If the form is not completed correctly, then the server sends an error message to the client. Even assuming *arguendo* that Shur's error message is a status page (which it is not), nowhere does Shur teach that the error message automatically generates a request to reload at the client.

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Argument: Dependent Claim 28

Dependent claim 28 recites that the request to reload includes a set of data for retrying the database update. The Office Action argues that Shur teaches this recitation since Shur mentions numerous fields in the form and includes session ids, etc. Applicants respectfully argue that the Examiner is not considering all of the recitations as they actually appear in the claim. The claim recites that the **request to reload** itself includes a set of data for retrying the database update. In Shur, the numerous fields and session ids are not included in a request to reload.
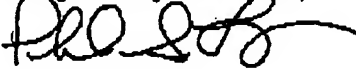
Argument: Dependent Claim 30

Dependent claim 30 recites that update includes rolling back the database update after a timeout period and then retrying the database update. The Office Action cites column 6, lines 15-41 in Shur. Nowhere does this section in Shur teach "rolling back the database update" or performing a roll back after a "timeout period."

Argument: Dependent Claim 31

Dependent claim 31 recites determining a timeout period in response to a **timestamp** contained in the status page. The Office action cites column 5, lines 49-57. This section of Shur does teach that the form includes "a filed to set the Multicast packet Time to Live value." But this teaching has nothing to do with the claimed recitation "determining a timeout period in response to a **timestamp** contained in the status page."

Respectfully submitted,

Philip S. Lyren
Reg. No. 40,709
Ph: 281-514-8236

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